

REMARKS/ARGUMENTS

In the Office Action mailed on May 28, 2009, claims 1, 3, 5-8, 10, 12-14, and 16-25 are rejected. In response, claims 1, 3, 7, 8, 10, 14, and 16 have been amended. Applicant hereby requests reconsideration of the application in view of the claim amendments and the below-provided remarks.

Claim Rejections under 35 U.S.C. 103

Claims 1, 3, 7, 8, 10, 14, 16, 17, and 20-22 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Bauer et al. (U.S. Pat. No. 7,084,769, hereinafter “Bauer”) in view of Cesar et al. (U.S. Pat. No. 6,172,596, hereinafter “Cesar”), and further in view of Vacherand et al. (U.S. Pat. No. 6,650,228, hereinafter “Vacherand”). Claims 5, 12, 13, 18, and 19 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Bauer in view of Cesar and Vacherand, and further in view of Meier (U.S. Pat. No. 6,323,566). Claim 6 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Bauer in view of Cesar, Vacherand, and Meier, and further in view of Walker (GB 2,288,952A). Claim 25 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Bauer in view of Cesa and Vacherand, and further in view of Bowers et al. (U.S. Pat. No. 5,883,582, hereinafter “Bowers”). Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Bauer in view of Cesar, Vacherand, and Bowers, and further in view of Vercellotti et al. (U.S. Pat. No. 5,266,925, hereinafter “Vercellotti”). Applicant respectfully submits that the pending claims are patentable over the cited references for the reasons provided below.

Independent Claim 1

Claim 1 has been amended to recite in part that “*the transponder on entering the communications range independently generates a presence-signaling signal and emits the presence-signaling signal in the communications range*” (emphasis added). Support for the amendment to claim 1 is found in Applicant’s specification at, for example, Fig. 2, page 5, lines 28-32, and page 14, lines 17-28.

As stated in the Office Action, Bauer in view of Cesar fails to teach that “the transponder emits the presence-signaling signal with a first signal duration and the

response signal with a second signal duration, and wherein the first signal duration is shorter than the second signal duration,” as recited in claim 1 (as filed on December 16, 2008). Vacherand is cited for teaching the above-identified limitation of claim 1 (as filed on December 16, 2008). (See pages 4 and 5 of the Office Action).

Applicant respectfully asserts that Bauer in view of Cesar, and further in view of Vacherand fails to teach that “*the transponder on entering the communications range independently generates a presence-signaling signal*” (emphasis added), as recited in amended claim 1.

The Office Action suggests that a sequence number that is assigned to a tag as disclosed in Vacherand is equivalent to the “*presence-signaling signal*” emitted by the transponder of claim 1. As stated on page 2 of the Office Action, Vacherand teaches assigning each tag a sequence number whose binary size is significantly smaller than that of the ID code for quick detecting of the tags using the binary codes. (See also column 3, lines 6-10 of Vacherand). Additionally, as stated on page 5 of the Office Action, Vacherand teaches that the sequence number, which is assigned to each tag by an interrogator, has a bit length much shorter than the ID code length of the corresponding tag. (See also column 3, lines 11-18 of Vacherand). That is, Vacherand teaches that the sequence number of each tag, which is used by the tag to identify the tag to the interrogator, is assigned to the tag by the interrogator. Because Vacherand teaches that the sequence number of each tag is assigned to the tag by the interrogator, Vacherand fails to teach each tag independently generating its own sequence number. Because Vacherand fails to teach each tag independently generating its own sequence number, Applicant respectfully asserts that Vacherand fails to teach that “*the transponder on entering the communications range independently generates a presence-signaling signal*” (emphasis added), as recited in amended claim 1. Thus, Applicant respectfully asserts that Bauer in view of Cesar, and further in view of Vacherand fails to teach the above-identified limitation of amended claim 1.

Therefore, Applicant respectfully asserts that Bauer in view of Cesar, and further in view of Vacherand fails to teach all of the limitations of amended claim 1. Accordingly, Applicant respectfully asserts that amended claim 1 is patentable over Bauer in view of Cesar, and further in view of Vacherand.

Dependent Claims 3, 5, 6, 20, and 23-25

Claims 3, 5, 6, 20, and 23-25 depend from and incorporate all of the limitations of independent claim 1. Thus, Applicant respectfully asserts that claims 3, 5, 6, 20, and 23-25 are allowable at least based on an allowable claim 1. Additionally, claim 3 may be allowable for further reasons respectively, as described below.

Claim 3

Claim 3 has been amended to recite in part that “*the presence-signaling signal is not assigned to the transponder.*” Support for the amendment to claim 3 can be found in Applicant’s specification at, for example, Fig. 2, page 5, lines 28-32, and page 14, lines 17-28.

Applicant respectfully asserts that Bauer in view of Cesar, and further in view of Vacherand fails to teach that “*the presence-signaling signal is not assigned to the transponder*” (emphasis added), as recited in amended claim 3.

As described above, Vacherand teaches assigning each tag a sequence number whose binary size is significantly smaller than that of the ID code for quicker detecting of the tags using the binary codes and that the sequence number, which is assigned to each tag by an interrogator, has a bit length much shorter than the ID code length of the corresponding tag. (See column 3, lines 6-18 of Vacherand). That is, Vacherand teaches that the sequence number of each tag, which is used by the tag to identify the tag, is assigned to the tag. Because Vacherand teaches that the sequence number of a tag is assigned to the tag, Applicant respectfully asserts that Vacherand fails to teach that “*the presence-signaling signal is not assigned to the transponder*” (emphasis added) of amended claim 3. Thus, Applicant respectfully asserts that Bauer in view of Cesar, and further in view of Vacherand fails to teach the above-identified limitation of amended claim 3.

Independent Claim 7

Claim 7 has been amended in a similar fashion as claim 1. Support for the amendment to claim 7 can be found in Applicant’s specification at, for example, Fig. 2, page 5, lines 28-32, and page 14, lines 17-28. Because of the similarities between

amended claim 1 and amended claim 7, Applicant respectfully asserts that the above remarks with regard to amended claim 1 apply also to amended claim 7. Accordingly, Applicant respectfully asserts that amended claim 7 is patentable over Bauer in view of Cesar and further in view of Vacherand.

Independent Claim 8

Claim 8 has been amended in a similar fashion as claim 1. Support for the amendment to claim 8 can be found in Applicant's specification at, for example, Fig. 2, page 5, lines 28-32, and page 14, lines 17-28. Because of the similarities between amended claim 1 and amended claim 8, Applicant respectfully asserts that the above remarks with regard to amended claim 1 apply also to amended claim 8. Accordingly, Applicant respectfully asserts that amended claim 8 is patentable over Bauer in view of Cesar and further in view of Vacherand.

Dependent Claims 10, 12, 13, and 21

Claim 10 has been amended in a similar fashion as claim 3. Support for the amendment to claim 10 can be found in Applicant's specification at, for example, Fig. 2, page 5, lines 28-32, and page 14, lines 17-28.

Claims 10, 12, 13, and 21 depend from and incorporate all of the limitations of independent claim 8. Thus, Applicant respectfully asserts that claims 10, 12, 13, and 21 are allowable at least based on an allowable claim 8. Additionally, because of the similarities between amended claim 3 and amended claim 10, Applicant respectfully asserts that the above remarks with regard to amended claim 3 apply also to amended claim 10.

Independent Claim 14

Claim 14 has been amended in a similar fashion as claim 1. Support for the amendment to claim 14 can be found in Applicant's specification at, for example, Fig. 2, page 5, lines 28-32, and page 14, lines 17-28. Because of the similarities between amended claim 1 and amended claim 14, Applicant respectfully asserts that the above remarks with regard to amended claim 1 apply also to amended claim 14. Accordingly,

Applicant respectfully asserts that amended claim 14 is patentable over Bauer in view of Cesar and further in view of Vacherand.

Dependent Claims 16-19 and 22

Claim 16 has been amended in a similar fashion as claim 3. Support for the amendment to claim 16 can be found in Applicant's specification at, for example, Fig. 2, page 5, lines 28-32, and page 14, lines 17-28.

Claims 16-19 and 22 depend from and incorporate all of the limitations of independent claim 14. Thus, Applicant respectfully asserts that claims 16-19 and 22 are allowable at least based on an allowable claim 14. Additionally, because of the similarities between amended claim 3 and amended claim 16, Applicant respectfully asserts that the above remarks with regard to amended claim 3 apply also to amended claim 16.

CONCLUSION

Applicant respectfully requests reconsideration of the claims in view of the amendments and remarks made herein. A notice of allowance is earnestly solicited.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **50-3444** pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees to Deposit Account **50-3444** under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Respectfully submitted,

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